SINGLE BENCH

(4) (2)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) NO 6685 /2006

PETITIONER : **Moh. Rafik Faruki**
S/o Late Shri Shekh Ahamad Faruki,
Age about 40 years, Assistant Teacher,
C/o - Basar Computer, Shitala Para,
Distt. - Kanker (C.G.)

P.R. No. 6800/06
Presented by Shri 24. Kumar
dated 27-11-06

VERSUS

RESPONDENTS :
1. **State Government of Chhattisgarh**
Through :- **Secretary,**
Tribal Welfare Department & Education
Department, D.K.S. Bhawan, Raipur (C.G.)
2. **District Education Officer**
Kanker (C.G.)
3. **Block Education Officer**
Kanker, Distt. - Kanker (C.G.)
4. **Joint Director (Treasury/Accounts),**
Jagdalpur (C.G.)

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27/11/06
CLERK to A. G. BILASPUR

COMMISSIONER
B.R. Kaushik
BILASPUR TAHSIL AREA

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

XI-HC-78

(22)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.(S).6685 **सन् 2006**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

07.12.2006

Shri Ajay Shrivastava, learned counsel for the petitioner.
Smt. Anju Aahuja, learned G.A. for the State/respondents.

By the petition under Articles 226/227 of the Constitution of India, the petitioner seeks a direction to the respondents to pay the increments and seniority on the basis of the date of his initial appointment in the light of the decision rendered by the learned State Administrative Tribunal, Jabalpur in Original Application No. 2745/1989 (Madhukant Yadu and 56 others Vs. State of M.P. and others) dated 24.8.1992.

2. Learned counsel appearing for the petitioner placed reliance on the order dated 9th October 2006 passed by this Court in Writ Petition (S) No. 5473/2006 (Rakesh Kumar Sharma and another Vs. State of Chhattisgarh and others) and in Writ Petition (S) No. 5474/2006 (Jai Nath Bajpai Vs. State of Chhattisgarh and others) and submits that the petitioner is similarly situated, therefore, the similar order may be passed.

3. The case of the petitioner is that he was appointed as Assistant Teacher in the School Education Department on probation for a period of one year with the fixed salary. However, later on, after completion of one year probation, the petitioner was regularized but he was not given the regular pay scale from the date of his initial appointment. Other similarly situated teachers moved the State Administrative Tribunal, Jabalpur for regular pay-scale, wherein learned Tribunal vide order dated 24.8.1992 allowed the same. The petitioner made several

XI-HC-78

(23)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.(S)...6695 **सन् 200** 6

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

representations to accord the same treatment as he is also similarly situated, but, the respondents have not paid any heed. Thus, this petition.

4. Learned counsel for the petitioner submits that the petitioner may be allowed to make a representation to respondent No.1 to give similar treatment to the petitioner and same pay-scale which has been sanctioned to other similarly situated teachers on account of the order of the State Administrative Tribunal dated 24.8.1992, to which learned counsel for the respondent/State has no objection.

5. Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, in the opinion of this Court, the limited prayer made by learned counsel for the petitioner appears to be reasonable. Therefore, the petitioner is allowed to make a representation within a period of two weeks from today to respondent No.1, raising all his grievances and, in turn, respondent No.1 shall decide the said representation in an objective manner within a period of 30 days from the date of receipt of such representation, after considering all the points raised by the petitioner and taking into account the order dated 24.8.1992 passed by the learned State Administrative Tribunal in Original Application No. 2745/1989.

6. The writ petition is accordingly disposed of with the aforesaid direction. No order as to costs.

7. Certified copy as per rules.

Sd/-
Dhirendra Mishra
Judge

P.T.O.

12-12-07